

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
CASE NO. 1:14-CV-954**

STUDENTS FOR FAIR ADMISSIONS,)	
INC.,)	
)	
Plaintiff,)	
)	DEFENDANTS' MOTION TO FILE
v.)	UNDER SEAL PURSUANT TO
)	LOCAL RULE 5.4(c)
THE UNIVERSITY OF NORTH)	
CAROLINA AT CHAPEL HILL, et al.,)	
)	
Defendants.)	
)	
)	

Pursuant to Local Rule 5.4(c) of the Rules of Practice and Procedure of the United States District Court for the Middle District of North Carolina, Defendants respectfully move to file certain documents under seal.

1. On October 25, 2017, Defendants filed a motion to dismiss Plaintiff's complaint pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure (ECF 106). Defendants also filed an accompanying motion to file under seal (ECF 108). On November 15, 2017, Plaintiff filed its response in opposition to Defendants' motion to dismiss (ECF 113) and an accompanying motion to file under seal (ECF 111). On November 29, 2017, Defendants filed their Reply in support of their motion to dismiss (ECF 115).

2. In the Reply, Defendants respond to Plaintiff's arguments regarding its eligibility to assert representational standing and corresponding standing to bring this

lawsuit. Defendants' reply discusses and attaches as exhibits certain discovery materials, including specific deposition testimony and produced documents that are directly relevant to this issue.

3. Pursuant to Section 3.1.1 of the Amended Confidentiality and Protective Order entered by this Court on September 1, 2015 (the "Protective Order") (ECF 61), Plaintiff has designated information within some of these discovery materials Confidential or Highly Confidential.

4. Ahead of filing its reply and supporting materials, Defendants met and conferred with Plaintiff's counsel regarding its confidentiality designations with respect to these materials. Plaintiff agreed that certain materials could be filed without redaction. There are two categories of information that Plaintiff continues to assert confidentiality over and that necessitate redactions and this motion to file limited materials under seal.

5. Specifically, Plaintiff seeks to protect the identity of each of its standing members. Excerpts of Standing Member #1's declaration are quoted within Defendants' Reply. Standing Member #1's declaration was attached to Plaintiff's Opposition to Defendants' Motion to Dismiss as Exhibit G and filed under seal. Defendants have made limited redactions to the Reply as necessary. Additionally, Defendants have attached to the Reply certain supplemental discovery responses from Plaintiff as Exhibits 3-5. These supplemental responses contain only personal information of certain standing members. Defendants seek to file Exhibits 3-5 under seal and have made limited redactions to the Reply as necessary.

6. Plaintiff also asserts confidentiality with respect to certain of its Responses within Plaintiff's Fourth Amended Objections and Responses to Defendant's First Combined Discovery Requests (excerpts of which are attached as Exhibit 2 to Defendants' Reply). Defendants seek to file Exhibit 2 under seal and have made limited redactions to the reply as necessary.

7. Defendants do not challenge Plaintiff's designation of any of this information as Confidential or Highly Confidential under the Protective Order.

8. Plaintiff, as the party claiming confidentiality over this information, will have fourteen days to file a brief providing the information required by Local Rule 5.4(b).

WHEREFORE, Defendants respectfully request that the Court grant this motion and allow unredacted versions of Defendants' Reply and exhibits identified above to be filed under seal until further order of the Court and to be viewed only by the Judge, her clerk(s), and Court personnel.

Respectfully submitted this 29th day of November, 2017.

JOSH STEIN
Attorney General

/s/ Michael Scudder
Michael Scudder
Lara Flath
Marianne Combs
Skadden, Arps, Slate, Meagher & Flom
LLP
155 North Wacker Drive
Chicago, IL 60606-1720

/s/ Stephanie Brennan
Stephanie Brennan
Special Deputy Attorney General
NC State Bar No. 35955
E: sbrennan@ncdoj.gov

/s/ Matthew Tulchin
Matthew Tulchin

(312) 407-0700
E: michael.scudder@skadden.com
E: lara.flath@skadden.com
E: marianne.combs@skadden.com

/s/ Lisa Gilford

Lisa Gilford
Skadden, Arps, Slate, Meagher & Flom
LLP
300 South Grand Ave.
Los Angeles, CA 90071
(213) 687-5130
E: lisa.gilford@skadden.com

Special Deputy Attorney General
NC State Bar No. 43921
E: mtulchin@ncdoj.gov
NC Department of Justice
Post Office Box 629
Raleigh, NC 27602-0629
(919) 716-6920

Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing Motion to File Under Seal Pursuant to Local Rule 5.4(c) via the Court's electronic filing systems, pursuant to the Electronic Filing Procedures, on all attorneys of record who have entered an appearance by ECF in this matter.

This 29th day of November, 2017.

/s/ Michael Scudder
Michael Scudder